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| 10/682,663 | 10/09/2003 | Ian James Clubb | 1160215/0509834 | 9129 |

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| EXAMINER |
|---|
| HAMMOND III, THOMAS M |

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| 3695 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/682,663 | CLUBB ET AL. |
| | Examiner | Art Unit |
| | THOMAS M. HAMMOND III | 3695 |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on <u>23 September 2008</u>.
2a) ☐ This action is **FINAL**.    2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) <u>1-41</u> is/are pending in the application.
    4a) Of the above claim(s) <u>1-23</u> is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>24-41</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All  b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Status of Claims*

1.      This action is in reply to the Applicant's response filed on 23 September 2008.

2.      Claims 1-23 have been cancelled.

3.      Claims 24-41 has been newly added.

4.      Claims 24-41 are currently pending and have been examined.

### *Information Disclosure Statement*

5.      The Information Disclosure Statements filed on 23 September 2008 and 14 November 2008 have been

considered.  Initialed copies of the Form 1449 are enclosed herewith.

*Response to Arguments*

6.      The Applicant's arguments are considered moot, in view of the new grounds of rejection presented below,

necessitated by the Applicant's cancellation of all the previously pending claims and addition of new claims 24-41.

### *Claim Rejections - 35 USC § 102*

7.       The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the

rejections under this section made in this Office action:

> *A person shall be entitled to a patent unless –*
>
> *(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

8.       Claims 35, 36, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by *Allen et al., US Patent*

*No. 7,280,645.*

**As per claim 35**

*Allen teaches:*

-       A computer readable datastore associated with a server, said server hereinafter referred to as a wallet
        server, wherein a master copy of a wallet comprising computer readable storage representing a usage
        allowance, hereinafter master wallet, is stored (see at least column 6, lines 10-59)

-       A plurality of logical servers which are logical partitions of said wallet server (see at least column 6, lines
        10-59)

-       A plurality of computer readable logical datastores which are logical partitions of said datastore  wherein
        said wallet server further comprises computer executable instructions to: (see at least column 6, lines 10-
        59)

        o    Create said master wallet for a set of users (see at least column 6, lines 10-59)

        o    Configure each of said plurality of logical servers and their associated logical datastores for a
             subset of said set of users (see at least column 6, lines 10-59)

        o    Assign a service level to each of said logical servers (see at least column 6, lines 10-59)

- o   Allocate a plurality of independent subsets of said master wallet, each of said subsets hereinafter referred to as a shadow wallet, wherein each shadow wallet is associated with one of said plurality of logical servers and its associated logical datastore (see at least column 6, lines 10-59)

- o   Determine a service level associated with a request received by said system and distribute said request to a particular logical server associated with said service level and configure said particular logical server, to process a request received by said system for a first user from said subset of users against said shadow wallet associated with said first user (see at least column 6, lines 10-59)

**As per claim 36**

*Allen teaches:*

-   A computer readable datastore associated with a server, said server hereinafter referred to as a wallet server, wherein a master copy of a wallet comprising computer readable storage representing a usage allowance, hereinafter master wallet, is stored (see at least column 6, lines 10-59)

-   A plurality of logical servers which are logical partitions of said wallet server (see at least column 6, lines 10-59)

-   A plurality of computer readable logical datastores which are logical partitions of said datastore wherein said wallet server further comprises computer executable instructions to: (see at least column 6, lines 10-59)

    - o   Create said master wallet for a set of users (see at least column 6, lines 10-59)

    - o   Configure each of said plurality of logical servers and their associated logical datastores for a subset of said set of users (see at least column 6, lines 10-59)

    - o   Subdivide said master wallet into a plurality of independent shadow wallets, wherein each shadow wallet is associated with one of said plurality of logical servers and its associated logical datastore (see at least column 6, lines 10-59)

    - o   Process a plurality of requests against said master wallet by configuring each of said plurality of logical servers, to process a request received by said system for a given user from said subset of

users against said shadow wallet associated with said given user (see at least column 6, lines 10-59)

**As per claim 41**

*Allen teaches the system of claim 36, as described above.*

*Allen further teaches:*

- Wherein said wallet server further comprises computer executable instructions to configure said plurality of logical servers to process a query in isolation from said wallet server (see at least column 1, lines 51-61)

### *Claim Rejections - 35 USC § 103*

9.        The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set

forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
> in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.*

10.       Claims 24-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Allen*, in view of, *Black, US*

*Patent No. 7,117,172.*

**As per claim 24**

*Allen teaches:*

-    A computer readable datastore associated with a server, said server hereinafter referred to as a wallet

     server, wherein a master copy of a wallet comprising computer readable storage representing a usage

     allowance, hereinafter master wallet, is stored (see at least column 6, lines 10-59)

-    A plurality of logical servers which are logical partitions of said wallet server (see at least column 6, lines

     10-59)

-    A plurality of computer readable logical datastores which are logical partitions of said datastore  wherein

     said wallet server further comprises computer executable instructions to: (see at least column 6, lines 10-

     59)

     o    Create said master wallet for a set of users (see at least column 6, lines 10-59)

     o    Configure each of said plurality of logical servers and their associated logical datastores for a

          subset of said set of users (see at least column 6, lines 10-59)

     o    Configure each of said plurality of logical servers and their associated logical datastores for a

          subset of said set of users (see at least column 6, lines 10-59)

      o  Allocate a plurality of independent subsets of said master wallet, each of said subsets hereinafter referred to as a shadow wallet, wherein each shadow wallet is associated with one of said plurality of logical servers and its associated logical datastore (see at least column 6, lines 10-59)

      o  Configure each of said plurality of logical servers, to process a request received by said system for a given user from said subset of users against said shadow wallet associated with said given user (see at least column 1, lines 51-61)

      o  Monitor usage across all of the shadow wallets derived from said master wallet

***Allen does not teach:***

- Automatically adjusting the usage allowances subdivided across said shadow wallets in anticipation of expected future use of said shadow wallets

***Black teaches:***

- Automatically adjusting resources in a sub-account linked to a master account based on historical usage and current data regarding the usage of the accounts (see at least column 44, lines 7-50; column 50, line 18 - column 51, line 62)


*However, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add to the teachings of Allen, the teachings of Black shown above. One would have been motivated to do so because merely applying a known technique to a known method ready for improvement does not render the instant application patentably distinct over the prior art. The teachings of both Allen and Black, are independently functional whether used individually or in combination. As such, the combination would yield a predictable result. Therefore, combining these well known elements would have been obvious to one of ordinary skill in the art (see MPEP 2141).*


**As per claim 25**

    ***Allen, in view of Black, teaches the system of claim 24, as described above.***

    ***Allen further teaches:***

- Wherein said wallet server further comprises computer executable instructions to configure said logical servers to notify said wallet server as the usage allowance allocated to a given shadow wallet is consumed (see at least column 6, lines 40-49)

**As per claim 26**

*Allen, in view of Black, teaches the system of claim 25, as described above.*

*Allen further teaches:*

- Wherein said wallet server further comprises computer executable instructions to create an additional shadow wallet (see at least column 6, lines 50-59)

**As per claim 27**

*Allen, in view of Black, teaches the system of claim 26, as described above.*

*Allen further teaches:*

- Wherein said wallet server further comprises computer executable instructions to reallocate said master wallet across said shadow wallets associated with said master wallet (see at least column 6, lines 50-59)

**As per claim 28**

*Allen, in view of Black, teaches the system of claim 27, as described above.*

*Allen further teaches:*

- Configure a given logical server to automatically request an additional usage allowance when a first shadow wallet reaches a predetermined minimum usage allowance (see at least column 6, lines 50-59)
- Receive said request for additional usage allowance (see at least column 6, lines 50-59)
- Allocate a subset of any unclaimed usage allowance from said master wallet to said first shadow wallet (see at least column 1, lines 51-61; column 6, lines 50-59)

**As per claim 29**

*Allen, in view of Black, teaches the system of claim 28, as described above.*

*Allen further teaches:*

- Wherein said wallet server further comprises computer executable instructions to reclaim an unused portion of said usage allowance allocated to a second shadow wallet and reallocate said unused portion to said first shadow wallet (see at least column 1, lines 51-61)

**As per claim 30**

*Allen, in view of Black, teaches the system of claim 29, as described above.*

*Allen further teaches:*

- Wherein said automatic reallocation reduces the number of automatic requests made by a given logical server for additional usage allowance (see at least column 1, lines 51-61)

**As per claim 31**

*Allen, in view of Black, teaches the system of claim 24, as described above.*

*Allen further teaches:*

- Wherein said master wallet includes a set of conditions pertaining to the access of said master wallet that are passed onto any shadow wallets associated with said master wallet (see at least column 1, lines 62-67)

**As per claim 32**

*Allen, in view of Black, teaches the system of claim 31, as described above.*

*Allen further teaches:*

- Wherein said set of conditions are automatically determined by a product purchased by a user (see at least column 3, lines 24-34)

**As per claim 33**

*Allen, in view of Black, teaches the system of claim 32, as described above.*

*Allen further teaches:*

- Wherein said set of conditions includes a validity period (see at least column 3, lines 24-34)

**As per claim 34**

> *Allen, in view of Black, teaches the system of claim 24, as described above.*

> *Black further teaches:*

> - Wherein said wallet server further comprises computer executable instructions to, upon the failure of any of said plurality of logical servers, their associated logical datastores or said shadow wallets, hereinafter a failed logical component, create a new logical component to replace said failed component (see at least column 36, lines 23-39)

11.     Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Allen,* in view of, *Black,* in further view of *OFFICIAL NOTICE.*

**As per claim 37**

> *Allen, in view of Black, teaches the system of claim 36, as described above.*

> *Black further teaches:*

> - Incorporating a workflow component operable by the system to issue a variety of processing flags to prioritize and handle events within the system (see at least column 61, lines 12-26)

> *Allen and Black do not explicitly teach:*

> - Setting a flag to indicate a state relating to said master wallet

*However, the Applicant is merely citing an intended use of a computer-executable status/workflow flag. Such technique is taught in the disclosure of Black and therefore would easily be modified by one of ordinary skill in the art, at the time of the invention, to be configured to provide the intended use of the Applicant. Furthermore, the Examiner takes OFFCIAL NOTICE that status flags in a computer system are well known in a variety of workflow applications. Merely providing a specific intended use of a known technique does not render the invention patentably distinct over the prior art.*

**As per claim 38**

    *Allen, in view of Black and OFFICIAL NOTICE, teaches the system of claim 37, as described above.*

    *Black further teaches:*

-   Incorporating a workflow component operable by the system to issue a variety of processing flags to prioritize and handle events within the system (see at least column 61, lines 12-26)

    *Allen and Black do not explicitly teach:*

-   Setting a flag to indicate that an additional usage allowance is not available from said master wallet


*However, the Applicant is merely citing an intended use of a computer-executable status/workflow flag. Such technique is taught in the disclosure of Black and therefore would easily be modified by one of ordinary skill in the art, at the time of the invention, to be configured to provide the intended use of the Applicant. Furthermore, the Examiner takes OFFCIAL NOTICE that status flags in a computer system are well known in a variety of workflow applications. Merely providing a specific intended use of a known technique does not render the invention patentably distinct over the prior art.*


**As per claim 39**

    *Allen, in view of Black and OFFICIAL NOTICE, teaches the system of claim 38, as described above.*

    *Black further teaches:*

-   Incorporating a workflow component operable by the system to issue a variety of processing flags to prioritize and handle events within the system (see at least column 61, lines 12-26)

    *Allen and Black do not explicitly teach:*

-   Wherein said wallet server further comprises computer executable instructions to set a corresponding flag on each of said shadow wallets derived from said master wallet to inform said associated logical servers that the master wallet is exhausted in order to limit repeated requests by said associated logical servers for additional usage allowance

*However, the Applicant is merely citing an intended use of a computer-executable status/workflow flag. Such technique is taught in the disclosure of Black and therefore would easily be modified by one of ordinary skill in the art, at the time of the invention, to be configured to provide the intended use of the Applicant. Furthermore, the Examiner takes OFFCIAL NOTICE that status flags in a computer system are well known in a variety of workflow applications. Merely providing a specific intended use of a known technique does not render the invention patentably distinct over the prior art.*

**As per claim 40**

 ***Allen, in view of Black and OFFICIAL NOTICE, teaches the system of claim 37, as described above.***

 ***Allen further teaches:***

- Replenishing a usage account by a user associated with a product purchased by the user (see at least column 5, lines 28-40)

 ***Allen and Black do not explicitly teach:***

- Automatic periodic usage allowance replenishment

*However, the Examiner takes OFFICIAL NOTICE that automatic periodic usage replenishment is old and well known in the art. A common example of such feature can be found in many wireless telephone plans, wherein the user signs up for a monthly allowance of minutes that is decremented during the usage period (i.e. a month) and then replenished for the following month. One of ordinary skill in the art would recognize that such a well known feature is a substitute for the replenishment method of Allen. Merely substituting a well known element in a well known system does not render the invention patentably distinct over the prior art (see MPEP 2141).*

### Conclusion

  Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Hammond III whose telephone number is 571-270-1829. The examiner can normally be reached on Monday - Thursday, 7AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Thomas M Hammond III

Patent Examiner, Art Unit 3695

US Patent & Trademark Office

07 December 2008


/Hani  M. Kazimi/

Primary Examiner, Art Unit 3691